

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 4, 1974
1:00 P.M.Electric Auditorium
301 West Avenue

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Binder, Dryden, Friedman, Handcox, Mayor Butler,
Mayor Pro Tem Love

Absent: Councilman Lebermann

The Invocation was delivered by MR. M. I. SUMMERLIN.

ANNUAL SPRING CLEAN-UP WEEK

Mayor Pro Tem Love read and then presented a proclamation to Mrs. Isabell Martin, representing the Austin Fire Safety Board, proclaiming the week of April 15-19, 1974, as "Annual Spring Clean-Up Week." It was noted that in 1973, 41 Austin residents were killed or seriously injured by fires, and the Austin Fire Department was called to respond to 2,201 fires; and many of these fires and accidents were the direct result of the accumulation of trash, brush, and other rubbish. Mayor Pro Tem Love felt that this was needed and would lead toward the City's project of making Austin the cleanest city in the United States. Mrs. Martin thanked the Council and urged everyone to participate in this effort.

UNITED STATES ARMY RESERVE MONTH

Councilman Binder read and then presented a proclamation to the following people proclaiming April, 1974, as "United States Army Reserve Month":

Col. John M. Davenport	- Commander of First JAG Detachment
Major Donald Fossett	- representing 416th U.S.A.R. School
Captain Jay D. Ransom	- Commander of 900th Military Intelligence Detachment
First Lt. Larry Hada	- Commander of 670th AG Detachment
Sgt.-Major Rigoberta Gaona	- Recruiting Specialist for 420th Engineer Brigade
Sgt.-First Class Juan Soto	- Recruiting Specialist for 90th U.S.A.R. Command
Staff Sgt. Marianna Boss	- representing Company A, 871st Engineer Battalion
Sgt. Tommy Alvarez	- representing Headquarters and Headquarters Company, 871st Engineer Battalion

It was noted that 500 citizens of Austin were active members of United States Army Reserve units which train in Austin and that they had chosen to mark their 66th anniversary by further commitment to national defense and community improvement. Col. Davenport thanked the Council for this designation.

APPROVAL OF MINUTES

Mayor Pro Tem Love moved that the Council approve the Regular Meeting Minutes of March 28, 1974, 1:00 p.m., and the Special Meeting Minutes of April 2, 1974, 4:45 p.m. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox
Noes: None
Absent: Councilman Lebermann

HEARING ON "WILDING" DEVELOPMENT

Mayor Butler opened the public hearing scheduled for 1:00 p.m. to consider the "Wilding" Development. There was discussion by the Council as to whether this item should be postponed because there was not a full Council. After approval from the applicant and a representative of those in opposition, Councilman Binder moved that the Council postpone this hearing until 1:00 p.m. on April 11, 1974. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox, Mayor Butler
Noes: None
Absent: Councilman Lebermann

ZONING HEARINGS

Mayor Butler announced that the Council would hear the zoning cases scheduled for 1:00 p.m. for public hearing at this time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

CARL W. COLE AND EDGAR A. SMITH C14-74-016	5429-5535 South Congress Avenue 5528-5534 Wasson Road	From Interim "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area RECOMMENDED by the Planning Commission
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Mayor Pro Tem Love moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Mayor Butler,
Mayor Pro Tem Love
Noes: None
Absent: Councilman Lebermann

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CONTINENTAL ASSURANCE COMPANY By Dennis J. Kavanaugh C14-74-027	An area within Dobie Mall located at the northeast corner of the street level, also described as: 2014-2018 Whitis Ave. and 301-305 West 21st Street	From "C" Commercial 4th Height and Area To "C-2" Commercial 4th Height and Area RECOMMENDED by the Planning Commission
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In response to Mayor Butler's question, Mr. Dick Lillie, Director of the Planning Department, indicated that this would be an application to sell alcoholic beverages on the sub-first floor of the Mall; and it would be a lounge and not a restaurant. Mr. Kavanaugh appeared to indicate that the tenants of the building were Mr. James Holder, operator of the concession for the sale of beer, and the people who would control all the electronic games. There was discussion held as to whether or not this would be located within 300 feet of the St. Austin's Catholic Church. It had been decided that this was not in violation of the requirement.

Mayor Pro Tem Love moved that the Council grant "C" Commercial, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Handcox, Mayor Pro Tem Love, Councilmen Binder,
Dryden, Friedman
Noes: Mayor Butler
Absent: Councilman Lebermann

The Mayor announced that the change had been granted to "C-2" Commercial, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN
(Initiated by the
Planning Department)
C14-74-029

2739-2945 Loyola Lane

From Interim "A" Residence
1st Height and Area and
"GR" General Retail
1st Height and Area
To "A" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilman Friedman moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilman Binder, Dryden,
Friedman, Handcox
Noes: None
Absent: Councilman Lebermann

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

RICHARD BERNARD
ROBINSON, ET UX
C14-74-014

1139D-1141D Spring-
dale Road

From "A" Residence
To "C" Commercial
RECOMMENDED by the Planning
Commission subject to a
subdivision providing 15'
of right of way on Springdale
Road

In response to Mayor Pro Tem Love's question, the applicant, Mr. Robinson, appeared and indicated that he had requested this for the purpose of selling secondhand merchandise.

Mayor Pro Tem Love moved that the Council grant "C" Commercial as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Dryden, Friedman,
Handcox
Noes: Councilman Binder
Absent: Councilman Lebermann

The Mayor announced that the change had been granted to "C" Commercial District, and the City Attorney was instructed to draw the necessary ordinance to cover.

EDWARD R. RATHGEBER,
JR.
By Tom Curtis
C14-74-022

6900-7014 Nuckols
Crossing Road

From Interim "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to
right of way dedication on
Outer Loop and Nuckols Cross-
ing Road to be determined by
the Engineering Department;
and a maximum of 4 curb cuts;
and subject to a subdivision.

Councilman Handcox moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Department, subject to conditions. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Mayor Butler

Noes: None

Absent: Councilman Lebermann

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

FAWNRIDGE DEVELOPMENT
CORPORATION
By Robert L. Davis
C14-74-028

7901-7907 South First
Street, also bounded
by Dittmar Road (also
known as West Boggy
Creek Road) and Boggy
Creek

From Interim "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to
dedication of right of way
necessary to increase Dittmar
Road from approximately 45'
to 70' as indicated on the
final plat of Beaconridge I
(C8-73-73); a maximum of 2
curb cuts on Dittmar Road,
1 curb cut on South First
Street and subject to a
subdivision

Mayor Pro Tem Love moved that the Council grant "LR" Local Retail, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Mayor Butler,
Mayor Pro Tem Love

Noes: None

Absent: Councilman Lebermann

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

BEN HUR SHRINE TEMPLE
By Joseph P.
Witherspoon, III
C14-74-013

7901-8131 Research
Boulevard (U. S.
Highway 183)
7900-8114, 8200-8212
and rear of 8116-
8154 North Lamar
Boulevard

From Interim "A" Residence
1st Height and Area
To Part A "C" Commercial
2nd Height and Area and
Part B "C" Commercial
1st Height and Area
(as amended)

RECOMMENDED as amended by the
Planning Commission

Mayor Pro Tem Love moved that the Council grant "C" Commercial, 2nd Height and Area District on Part A, and "C" Commercial, 1st Height and Area District on Part B, as recommended by the Planning Commission, as amended. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Mayor Butler, Mayor Pro
Tem Love, Councilman Binder

Noes: None

Absent: Councilman Lebermann

The Mayor announced that the change had been granted to "C" Commercial, 2nd Height and Area District on Part A, and "C" Commercial, 1st Height and Area District on Part B, and the City Attorney was instructed to draw the necessary ordinance to cover.

TEXAS MUNICIPAL
RETIREMENT SYSTEM
C14-74-019

700-702 East 12th
Street
1201-1205 Sabine
Street

From "B" Residence
To "O" Office (as amended)
RECOMMENDED by the Planning
Commission as amended

Councilman Dryden moved that the Council grant "O" Office (as amended), as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love,
Councilmen Binder, Dryden
Noes: None
Absent: Councilman Lebermann

The Mayor announced that the change had been granted to "O" Office, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

BETTYE JO LUMPKINS	3501-3503 Owen Circle	From "BB" Residence
By Robert L. Davis	3411 Owen Avenue	To "O" Office (as amended)
C14-74-026		RECOMMENDED as amended by the Planning Commission

In response to Councilman Binder's question, Mr. Lillie stated that there was not enough vehicular access because of the offices. He added that his only concern was that there were four fourplexes on the four lots that were relatively new and whether or not at this time they should convert them over to offices.

Mayor Pro Tem Love moved that the Council grant "O" Office, as amended, as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman
Noes: None
Absent: Councilman Lebermann

The Mayor announced that the change had been granted to "O" Office, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

HOUSTON INSTRUMENT	8500 Cameron Road	From Interim "A" Residence
C14-74-001		Four office buildings with recreation facilities including baseball field, pool and tennis courts called Houston Square, a Planned Unit Development RECOMMENDED by the Planning Commission subject to compliance with departmental requirements as on file with the Planning Department

Councilman Friedman moved that the Council grant a Planned Unit Development as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilman Binder
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem Love,
Councilman Dryden
Absent: Councilman Lebermann

The Mayor announced that the change had been granted to a Planned Unit Development, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

The Council POSTPONED the following zoning changes:

GULF OIL CORPORATION	7504 North Inter-	From "C" Commercial
C14-74-017	regional Highway 35	6th Height and Area
		To "C" Commercial
		2nd Height and Area
		RECOMMENDED by the Planning
		Commission

Mr. Lillie noted that the applicant was requesting the change in order to raise their sign; and the height limitation in 2nd Height and Area would be 60 feet, as opposed to 30 feet in 6th Height and Area. In response to Councilman Binder's question, a representative indicated that Gulf's intentions were to provide more visibility of the sign going north as Henna Chevrolet's sign was 60 feet in height. Councilman Friedman felt that granting this would set a precedent for Austin.

Motion

Councilman Handcox moved that the Council grant "C" Commercial, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Love, showed the following vote:

Ayes: Councilman Handcox, Mayor Pro Tem Love, Mayor Butler
Noes: Councilmen Dryden, Friedman, Binder
Absent: Councilman Lebermann

The Mayor announced that the motion failed to carry.

Motion

Councilman Binder moved that the Council postpone the zoning change request until April 11, 1974. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love,
Councilmen Binder, Dryden
Noes: None
Absent: Councilman Lebermann

IZA M. WALLIN and
ALLEN C. CLARK
By Wm. Terry Bray
C14-74-020

Rear of 5501-5511 North
Lamar Boulevard
704-714 Nelray
Boulevard

From "A" Residence
To "GR" General Retail
(as amended)
RECOMMENDED as amended by the
Planning Commission subject
to a subdivision to identify
this property and dedication
of 1/2 the right of way (5')
to increase Nelray Boulevard
from 50' to 60'

Mr. Bob Gunn, resident at 704 Franklin Boulevard, indicated his property was directly behind the location of this request. He stated that this was primarily residential area with some apartments and that he did not want this converted into a business district. He further added that the neighborhood was slowly being turned into commercial. It was noted that there was presently commercial property around Mr. Gunn's property. There was discussion held as to the purpose of request. Mr. Gunn indicated that there was an old weighing shed on the property for weighing van line trucks which had not been used for the past several years and nothing was presently being done with the location. It had been determined that the applicant was not present at the meeting. Councilman Binder felt that he should have been in attendance as his case was scheduled and he had been notified.

After discussion, Councilman Handcox moved that the Council postpone this request until May 2, 1974. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Dryden, Friedman,
Handcox
Noes: Councilman Binder
Absent: Councilman Lebermann

NORENE LANCE
By James C. Lance
C14-74-018

5537 Decker Lake Road

From Interim "A" Residence
1st Height and Area
To "C-2" Commercial
1st Height and Area
NOT Recommended by the Plan-
ning Commission
RECOMMENDED "C-2" Commercial
on the 1,200 square foot
portion of the building to be
used as a lounge and "GR"
General Retail on the remain-
ing area.

Mr. Jillie indicated that a petition had been filed by 59% of the property owners in opposition to the zoning. Therefore, the applicant requested a postponement, as there was not a full Council.

Councilman Dryden moved that the Council postpone the zoning change until April 11, 1974. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox

Noes: None

Absent: Councilman Lebermann

EMILE JAMAIL, ET AL
By Robert L. Davis
C14-73-251

8000 and rear of
7700-8000 U. S.
Highway 290, East
Rear of 2400-2448 Ed
Bluestein Boulevard,
also bounded by Old
Cameron Road

From Interim "A" Residence
1st Height and Area
To "O" Office
1st Height and Area on
Tract A and
"B" Residence
1st Height and Area on
Tract B (as amended)
NOT Recommended by the
Planning Commission
RECOMMENDED "O" Office 1st
Height and Area on Tract X;
"B" Residence 1st Height and
Area on Tract Y; and "BB"
Residence 1st Height and Area
on Tract Z, subject to a
subdivision to provide for
streets (including the
proposed major arterial); and
subject to a Master Plan
change to Medium density
Residential land use
classification

There was discussion by Mr. Lillie that the granting of this would set a precedent for the remainder of the area. He reviewed the location on a map and stated that the only access was 100 feet of frontage. He added that before the request were granted, consideration should be given to the large density; and he felt that the Commission should take a look at the total area to determine how much density the City could accept. There was further discussion as to Council postponing this.

Mr. Robert L. Davis, representing the applicant, reviewed the courses of action that had been taken by the applicant beginning in December and felt that had a Master Plan study been initiated in the beginning, they would have been ready at this time. He noted that another 30-day postponement would make a total of a 5-month delay. After checking with his client, Mr. Davis indicated their consent to a postponement.

Mayor Pro Tem Love moved that the Council postpone this request until the Master Plan study is completed. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Mayor Butler
Noes: None
Absent: Councilman Lebermann

EDNA HOUSTON and	1604-1606 East 19th	From "A" Residence
ROBERT J. HAMMOND	Street	To "LR" Local Retail
By Martin H. Boozer, Jr.	1900-1904 Leona	NOT Recommended by the
C14-74-023	Street	Planning Commission

It was noted that the applicant had requested a postponement. Councilman Handcox moved that the Council postpone this zoning request until April 11, 1974. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Mayor Butler,
Mayor Pro Tem Love
Noes: None
Absent: Councilman Lebermann

AUSTEX DEVELOPMENT COMPANY, LTD. By Louis Kirchofer, Jr. C814-74-003	5600 block of West- gate Boulevard, also bounded by Cherry Creek Drive	From "A" Residence 25 attached single-family dwelling units with common open space and recreation facilities, called "Old Town West", a Planned Unit Development RECOMMENDED by the Planning Commission, subject to com- pliance with departmental requirements as on file with the Planning Department, deleting Traffic Engineer's requirement to extend Donna Drive to Cherry Creek Drive; and applicant to work with Planning staff on sidewalk requirements.
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This zoning request was considered with C814-74-004, which follows.

AUSTEX DEVELOPMENT
COMPANY, LTD.
By Louis Kirchofer,
Jr.
C814-74-004

5600 Block of West-
gate Boulevard, also
bounded by Stassney
Lane

From "A" Residence
27 attached single-family
dwelling units with common
open space and recreation
facilities called "Old
Town East", a Planned Unit
Development
RECOMMENDED by the Planning
Commission, subject to
compliance with departmental
requirements as on file with
Planning Department; not
requiring the closing of the
drive opening nearest the
Westgate/Stassney inter-
section; subject to a 6'
privacy fence along the
property lines where adjoin-
ing existing single-family
lots and applicant to work
with the Planning Department
on sidewalk requirements.

Mr. Philip F. Adams, Jr., representing Southwest Austin Home Owners Association (a group of residents in Cherry Creek), appeared requesting that these two applications be considered together as they were part of the same development and were across from each other. He stated that a group in Cherry Creek was filing a petition not in opposition to the developments, per se, but to the drainage problem in the area and how the units would effect the problem in that any further building in this area would take up land and increase the flow in the creek, which they felt was inadequate. He reviewed his appearance before Council on February 28, 1974, at which time he had a drainage complaint. In response to Councilmen Binder's question, Mr. Adams noted that nothing had been done in resolving this matter. City Manager Dan Davidson stated that he had just received communication from the Engineering Department and requested that this be postponed for at least a week to determine what must be done in connection with the drainage structure, what must be required of the applicant, and what must be required of the City.

Mr. Phil Mockford, representing the applicant, indicated after discussion that he was willing to abide by departmental requirements.

Councilman Friedman moved that the Council postpone the zoning requests (003 and 004) until April 18, 1974. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Friedman

Noes: None

Not in Council Chamber when roll was called: Councilman Dryden

Absent: Councilman Lebermann

The following zoning change was WITHDRAWN:

GINTHER-DAVIS INTERESTS on behalf of Jerry N. Wallace, Owner C14-73-233a	Bounded on the north by Quail Boulevard and Mearns Meadow Boulevard, on the south by Rutland Drive, on the west by Quail Creek, Phase 3, Section 2, and on the east by the park at Quail Creek (47.55 acres)	Request to remove the restrictive covenant limiting the apartment density to 20 units per acre NOT Recommended by the Planning Commission
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It was noted that the applicant had requested that this be withdrawn.

Councilman Handcox moved that the Council grant the request to withdraw this zoning. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilman Binder
 Noes: None
 Not in Council Chamber when roll was called: Councilman Dryden,
 Mayor Pro Tem Love
 Absent: Councilman Lebermann

Applications which are recommended for ninety-day extensions - conditions are in the process of completion:

Mayor Pro Tem Love moved that the Council extend the following zoning changes for 90 days:

TEXAS AFL-CIO By Howard E. Brunson C14-73-018	300-310 West 11th Street 1100-1110 Lavaca Street	From "C" Commercial 3rd Height and Area To "C" Commercial 4th Height and Area
SENTER P. DOWNS By Jim Runnels C14-73-116	4313-4321 South 1st Street	From "A" Residence To "GR" General Retail
MRS. BERNADETTE DEARINGER By J. Hubert Lee C14-73-152	6622 Isabelle Drive	From "A" Residence To "GR" General Retail
C.T. USELTON By Richard Norris C14-69-139	825-829 Anderson Ln. 901-907 Anderson Ln. 820-826 Stobaugh St. 900-906 Stobaugh St.	From "A" Residence and "C" Commercial To "C" Commercial

RUNDBERG LANE
PROPERTIES
By Hale & Associates
C14-71-231

Rear of 502-602
Rundberg Lane

From "B" Residence and
"BB" Residence
To "O" Office,
"GR" General Retail and
"B" Residence

T. F. ATTEBURY,
ET AL
By John Selman
C14-72-100

2809-2900 and
2902 South First
Street

From "A" Residence
To "LR" Local Retail and
"B" Residence

MAMIE LINDSEY
By Robert C. Guerra
C14-72-187

4807-4809 Red Bluff
Road

From "A" Residence
To "C" Commercial

J. H. HAMILTON
ESTATE
By Phil Mockford
C14-72-200

2305-2401 Bluebonnet
Lane

From "A" Residence
To "O" Office

T. C. STEINER
By Richard C. Baker
C14-72-239

Pleasant Valley Road
and East Riverside
Drive

From Interim "A" Residence
1st Height and Area
To "GR" General Retail,
"LR" Local Retail,
"BB" Residence and
"A" Residence
1st Height and Area

KASH-KARRY, INC.
By John H. Akin
C14-72-242

Rear of 6202-6212
Manchaca Road

From "A" Residence
To "GR" General Retail

BILLIE J. LYNAS
C14-72-263

3504-3510 and 3528-
3538 Darby Lane
Rear of 3512-3514
Darby Lane
6219-6309 Wilcab Road

From "A" Residence
To "C" Commercial

DAVID B. BARROW,
ET AL
C14-72-267

3544-3624 Far West
Boulevard

From Interim "A" Residence
"LR" Local Retail
1st Height and Area
To "GR" General Retail
1st Height and Area

MIKE WILLIAMS ESTATE By A.J. Archuleta C14-72-293	9226 Jollyville Road	From Interim "A" Residence 1st Height and Area To "BB" Residence 2nd Height and Area, "BB" Residence 1st Height and Area and "A" Residence 1st Height and Area
MARVIN M. HENRY By M. J. Schroeder C14-73-017	7534-7540 Cameron Road	From Interim "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
ODAS JUNG By Joe Jung C14-73-119	814-1024 West Ben White Boulevard 811-1017 Banister Lane	From "A" Residence 1st Height and Area and "GR" General Retail 5th Height and Area To "C" Commercial 1st Height and Area
CECIL E. HEARD, ET AL By Chris Crow C14-73-128	1801-1807 Ben White Boulevard 4400-4404 Russel Street	From "LR" Local Retail and "O" Office To "GR" General Retail and "O" Office
JESSE CASTRO ET UX By Robert D. Jones C14-73-135	6110 East Riverside Drive 6111 Kasper Street	From "A" Residence To "C" Commercial
THE MURRAY FAMILY PARTNERSHIP LTD. ET AL By E. C. Thomas C14-73-142	8853-8905 Research Boulevard	From Interim "A" Residence 1st Height and Area To "B" Residence and "GR" General Retail 1st Height and Area
M. H. FLOURNOY C14-73-144	6015-6317 South First Street 140-622 Eberhart Lane	From Interim "A" Residence 1st Height and Area To "A" Residence and "GR" General Retail 1st Height and Area
F. J. REISSIG, ET AL By Robert Sneed C14-73-157	Northwest corner of Ed Bluestein Boulevard and East 19th Street	From Interim "A" Residence 1st Height and Area To "GR" General Retail and "A" Residence 1st Height and Area
JAMES A. HEARN By Robert L. Davis C14-73-158	3813-3901 Manchaca Road 3612-3702 and rear of 3704-3706 Clawson Road	From "A" Residence To "O" Office and "BB" Residence

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,
Friedman, Handcox
Noes: None
Absent: Councilman Lebermann

RECOGNITION

At this point, Councilman Binder recognized the former Councilman Dick Nichols as being present in the Council Chambers.

RELEASE OF EASEMENT

Mayor Pro Tem Love moved the Council adopt a resolution authorizing release of the following easements:

Portions of public utilities easements five(5.00) feet and ten (10.00) feet in width in Tract No. 1 of the MIRACLE HILL SUBDIVISION. (Requested by Travis-Braun & Associates, Inc., agent for La Quinta Motor Inns, Inc., of San Antonio, Texas, owners of said Tract No. 1.)

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,
Friedman, Handcox
Noes: None
Absent: Councilman Lebermann

LICENSE AGREEMENT

Councilman Friedman moved that the Council adopt a resolution granting a license agreement for the following:

YOUNG MEN'S CHRISTIAN ASSOCIATION of the University of Texas - Permitting encroachment of a double access concrete stairway four (4.00) feet into the fifteen and one-half (15.50) feet north sidewalk area of West 22nd Street adjoining Lot 31-1/2 of Horst's Subdivision of Outlot 35, Division "D," of the Government Outlots adjoining the Original City of Austin (said property being locally known as "2200 Guadalupe Plaza" at the northwest corner of West 22nd Street and Guadalupe Street). Requested by NEIMAN, HANKS & PURYEAR, Realty Agents, as agent for said Y.M.C.A. of the University of Texas, owner of said property.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Mayor Butler
Noes: None
Absent: Councilman Lebermann

ACQUISITION OF ELECTRIC TRANSMISSION LINE EASEMENT

Councilman Friedman moved that the Council adopt a resolution authorizing acquisition of Electric 138 KV Transmission Line easement in the Santiago Del Valle Grant Survey, from the south bank of the Colorado River to the north bank of Onion Creek. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Mayor Butler,
Mayor Pro Tem Love
Noes: None
Absent: Councilman Lebermann

CONTRACTS AWARDED

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

CUSHMAN ELECTRONICS, INC.	- FM Communication Monitor
830 Stewart Drive	Vehicle and Equipment Service
Sunnyvale, California	Department - \$6,863.00

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Mayor Butler, Mayor
Pro Tem Love, Councilman Binder
Noes: None
Absent: Councilman Lebermann

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

STRIDER SYSTEMS, INC.	- System Analysis Study and Design,
2101 South I. H. 35, Suite 204	Utility Billing, Data Processing
Austin, Texas	Department - \$21,000.00

Mr. Hugh Standifer, Data Systems Administrator, appeared to explain this situation to the Council. He indicated that there was presently a utility billing system in Austin which everyone felt was inadequate. He stated that they could not respond to Council or administration wishes on a timely basis. He cited the example of the wastewater charge taking to this point 60 days of programming, four additional programs, and modification of seven existing computer programs, using second generation equipment. In response to Mr. Dan Davidson's question as to why he had not utilized City personnel for this job, Mr. Standifer indicated that there were many facets of the operation, one of which was taxes; and the employees were very busy working on a 5-year plan for data processing for the City and keeping abreast of the changes. He added that occasionally Council would do things that would require them to act very quickly. In addition to the utility program, he stated that there were some 600 computer programs that had to be maintained and required a lot of programming and the talent to keep them maintained.

In response to Councilman Handcox's question as to whether or not this kind of service was being offered by manufacturers of the types of equipment that was needed to do this type of system analysis work, Mr. Standifer reviewed their efforts by placing an advertisement in the newspaper for two weeks, to which there was only one respondent. He added that only two responded on the monetary bid. Mr. Davidson further indicated that in some cases the companies had other priorities at the time the City made its proposal. It had been brought out in discussion that the Data Processing Department would remain in City Hall because it was more advantageous to try to upgrade the facilities in the area for data processing at City Hall.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love, Councilman Binder
Noes: None
Absent: Councilman Lebermann

DESTRUCTION OF MATURED BONDS AND COUPONS

Mr. William A. Harrison, Director of Finance, appeared before Council to request authority by the City to destroy matured bonds and coupons paid during 1972-73 fiscal year. He indicated that, if approved, they would proceed with this and come back later with a report that this had been handled. He stated that this was an annual procedure and that all items paid had been audited by City personnel and outside auditors. In connection with this, he stated that he and Mr. Solon A. Bennett, Director of Purchases, had been in negotiation with the three local paying agent banks who service the City's bonded debt; and they would report to the City Manager with a proposal for the banks to perform this service in the future for the City at considerable saving and cost. He added that all negotiations were not complete nor had the exact amount of saving been determined; however, he stated that it would be less work for the City, less expense for the City, and it would eliminate some duplications now being done by the City and banks. He further added that it was a trend throughout the country.

Mr. Dan Davidson felt that this was a very important administrative procedure which could either cost a lot of money or create mistakes. He also felt that Messrs. Harrison and Bennett had done a very fine job on this matter. In conclusion, Mr. Harrison indicated that as part of this agreement, the banks would indemnify the City against any loss incurred in this procedure. Mayor Pro Tem Love moved that the Council adopt a resolution authorizing destruction of matured bonds and coupons paid during 1972-73 fiscal year. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None
Absent: Councilman Lebermann

NAMING OF LITTLE LEAGUE FIELD

Mr. Travis C. Smith, representing South Austin Optimist Club, appeared before Council to request that the South Austin Optimist Club be allowed to name their new Little League Field at Garrison Park after one of their very deserving past members. He presented pictures to Council of the renovations of the Park by the Club. He reviewed this by indicating that about \$9,000 had been spent and a great deal of time and effort and manual labor had been involved. Mayor Pro Tem Love stated that it had been the policy of Council to take under advisement the recommendations of groups toward the naming of certain facilities. He thought it might be well if Mr. Smith would be in communication by way of correspondence as he did not think it was in order for Council to act or respond at that time. In response to Mayor Pro Tem Love's question, Mr. Smith indicated that the dedication would be held on Saturday, April 20, 1974, at 11:00 a.m. After discussion, it was decided that this matter be resumed on April 11, 1974, for determination in naming.

DONATION OF SEWER PIPES

Mr. Steve Rose, Pease School Playground Project, had requested to appear to request the City to donate concrete sewer pipes to be used as one of several fixed play structures for the children. It had been noted that the cost to the City would be \$336.72 for 24 feet of 48-inch pipe. It was announced at this time that Austin Concrete Works had donated the pipes; therefore, no action was required of the Council.

ZONING ORDINANCES

The Mayor introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) TRACT 1: A 91,502 SQUARE FOOT TRACT OF LAND, FROM "A" RESIDENCE DISTRICT AND "B" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 2: A 78,057 SQUARE FOOT TRACT OF LAND, FROM "A" RESIDENCE DISTRICT AND "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID TWO TRACTS OF LAND BEING LOCALLY KNOWN AS 2009-2109 BANISTER LANE AND 1124-1210 WEST BEN WHITE BOULEVARD; AND,

(2) LOT A, REGENCY SQUARE, LOCALLY KNOWN AS 615-721 EAST 11TH STREET; 614-720 EAST 10TH STREET AND ALSO BOUNDED ON THE EAST BY INTERSTATE HIGHWAY 35, FROM "C" COMMERCIAL, THIRD HEIGHT AND AREA DISTRICT, "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT AND "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FOURTH HEIGHT AND AREA DISTRICT; AND

(3) THE EAST SIXTEEN FEET OF LOT 3, BLOCK 1, HERMAN W. STEINLE SUBDIVISION, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, SECOND HEIGHT AND AREA DISTRICT, WITH THE WEST THIRTY-FOUR FEET OF LOT 3, BLOCK 1, HERMAN W. STEINLE SUBDIVISION REMAINING ZONED "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT, LOCALLY KNOWN AS 510 WEST 35TH STREET;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (K.R.T., INC., C14-73-252; REGENCY SQUARE PROPERTIES, INC., C14-73-254; FRANK G. BRYANT AND H. W. CURINGTON, C14-74-005)

Councilman Friedman moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Councilmen Binder, Dryden, Friedman, Handcox
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem Love
Absent: Councilman Lebermann

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
THE CENTER FIFTY-TWO FEET OF LOT 20, BLOCK 1, AND THE SOUTH FIFTY-TWO FEET OF LOT 20, BLOCK 1, FREDERICKSBURG ROAD ACRES, LOCALLY KNOWN AS 2313-2315 THORNTON ROAD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Daniel H. Grace and Sandra S. Sterling, C14-74-003)

Councilman Friedman moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Councilmen Binder, Dryden, Friedman, Handcox
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem Love
Absent: Councilman Lebermann

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCE

Mayor Butler brought up the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 42.59 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY P. HILL LEAGUE, AND 230.00 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY P. HILL LEAGUE, ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Horseshoe Bend, Section Two; Barton Creek Park)

The ordinance was read the second time, and Councilman Dryden moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Binder, Dryden, Friedman, Handcox
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem Love
Absent: Councilman Lebermann

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACT

The second and third readings of the following refund contract were postponed until April 11, 1974:

CITY NATIONAL BANK, TRUSTEE	-	For water and wastewater mains in
Gary Shores, Trust Officer		Research Plaza Subdivision - \$19,579.89.

GAS RATE ORDINANCE

The second and third readings of the Gas Rate Ordinance were postponed until April 11, 1974.

ANNEXATION ORDINANCE

The Mayor introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 25.83 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE AND 59.39 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY, ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Cherry Creek, Phase IV, Section Two; Balcones Woods, Section Three A and Three B)

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Councilman Lebermann

The Mayor announced that the ordinance had been finally passed.

GENERAL REVENUE SHARING

Mr. Joe Liro, Administrator, Management and Budget, appeared before Council to discuss recommendations in connection with the General Revenue Sharing program. He stated that this year the City would realize a total of \$3.8 million from the General Revenue Sharing program, and at this point all but \$944,697 had been allocated by Council for specific projects and programs. He indicated that earlier during the fiscal year several programs approved by Council did not have funds committed to them because cost estimates for those programs had not been developed at that point. He added that they had those recommendations now, and the recommendation was to commit funding improvements to the following:

Municipal Golf Course Improvements	\$400,000
St. John's Area Redevelopment (Partial funding)	\$250,000
Red River Relocation (Partial funding)	\$150,000

He indicated that if Council were to adopt this recommendation, \$144,697 would be available to fund additional requirements or to provide for future City needs. He itemized the requests received from eight community agencies for grants as follows:

1. Afro-American Players	\$ 9,557
2. Austin Ballet Theater	\$ 1,986
3. Big Brothers of Austin	\$ 1,570
4. Boy's Club of Austin and Travis County, Inc.	\$200,000
5. Legal Aid and Defender Society of Travis County	\$ 20,390
6. St. John's Community Association	\$ 36,000
7. United Action for the Elderly, Inc.	\$ 26,217
8. United Cerebral Palsy of the Capitol Area	\$ 29,493

He further noted that the Community Council of Austin and Travis County had withdrawn its request for a grant in the amount of \$20,390 as they had received another source of local funds and no longer needed a grant from the City.

In response to Councilman Binder's statement that he had told those in connection with the Red River project that they would be heard before plans were finalized, Mr. Dan Davidson stated that plans were not complete and the City would continue to maintain that commitment to contact those groups before any action would be recommended. He added that the City had a commitment to

allocate these funds by June 30, 1976; and the staff was actually asking that Council commit the \$150,000 out of this particular entitlement period for Red River project and come back for additional funding for later stages of the project. Mr. Davidson summarized the items to be handled in connection with the program:

1. Remainder of funds for this year.
2. Particular requests for those funds as part of the 1974-75 annual budget.
3. Presentation to Council of recommendations for next year's Revenue Sharing funds as well.

There was discussion by Mr. Davidson and Councilman Binder in regard to giving the opportunity to those requesting funds in the future. Mr. Davidson noted that they would be notified of the date that Council would have consideration of these monies on the agenda.

BRACKENRIDGE POLICY ON CLINIC CARDS AND RESIDENCY REQUIREMENTS

Mr. Homer Reed, Deputy City Manager, presented a recommendation for residency requirements for the granting of clinic cards at Brackenridge Hospital. He advised that the City Attorney had said that defense of the present City policy would be deleterious and futile because of recent judicial cases. He recommended that references in the Brackenridge Manual of Social Services establishing a durational residency requirement be deleted, but that a requirement that persons establish proof of residency in Austin be retained. He noted that the following could be recognized by the Brackenridge Social Service Department as proof of residency in Austin:

1. Rent receipt.
2. Utility deposit receipt.
3. Local registration of automobile.
4. Registration for a job with the Texas Employment Commission, or actually holding a job.

He stated that these regulations referred to clinic care and that everyone who had needed emergency care had obtained it. He explained that these figures had been taken from a sample of 304 people who were denied a clinic card in 1973 and compared with a sample of 304 who were granted one; these people were all admitted to the hospital approximately the same number of times per 100 people. It was noted that about 23% was collected from those who had clinic cards and about 20% from those without. In conclusion, Mr. Reed indicated that the approximate additional cost with the new residency requirements would be in the vicinity of \$200,000.

Mayor Butler suggested that the City communicate with the County in reference to reviewing the arrangement the City had with Travis County and that possibly some other areas in City-County relations could be reviewed at the same time and that possibly solutions could be reached on these matters. He asked for a report from the staff and City Attorney and that recommendations be presented to Council. Mr. Reed requested a month, and Mayor Pro Tem Love suggested five weeks, as otherwise the item would be scheduled on a zoning day. After discussion, it was scheduled for May 9, 1974.

Ms. Regina Rogoff, attorney with Travis County Legal Aid and Defenders Society, appeared to discuss this policy. She stated that she worked with a group called the Neighborhood Health Coalition, consisting of primary health care deliverers representing individuals concerned with the quality of health care provided in the City. She mentioned the five-year legal residence in the United States. Mr. Dan Davidson noted that if the recommended policy were adopted, it would eliminate this requirement. Ms. Rogoff also wanted to know how many proofs of residence would be necessary and whether this would be left up to the social worker. She hoped that Council would eliminate these proofs of residency. Mayor Butler pointed out that without this, someone from out of the county could come in and claim medical care. Ms. Rogoff suggested an oath be taken as opposed to requesting receipts.

Ms. Rogoff noted that there was a policy excluding students from the clinic. She felt that a recent Supreme Court case might relate to this. She further felt that there was no due process in hospital policies and no written notice as to the reason for denial of a clinic card. She also mentioned the Texas Equal Legal Rights amendment regarding residency of the wife being that of her husband. Councilman Friedman felt that these points were being answered in the recommendation and that it was reasonable. He added that this would be studied and would be considered again by Council with the advice of the City Attorney. Ms. Rogoff mentioned the fact that a wife whose husband was a student would be denied a card. Mayor Pro Tem Love suggested she meet with Mr. Jan Kubicek of the City Attorney's office to discuss this matter. She then pointed out that an unborn child of five-months' term would not be considered in determination of the number of family for financial eligibility for clinic cards. The City Manager felt that the City Attorney would give recommendations on these different points.

Councilman Friedman felt that the Council was making progress. Therefore, Councilman Friedman moved that the Council accept and approve the Manager's recommendations on residency requirements. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Mayor Butler,
Mayor Pro Tem Love
Noes: None
Absent: Councilman Lebermann

At 3:20 p.m. the Council recessed.

Mayor Butler called the meeting to order at 3:45 p.m.

PROCEDURE FOR HANDLING ALLEGED POLICE MISCONDUCT

At this time the Council had before it a request of the East Austin Committee for Justice to discuss Chief Miles and police brutality.

The following appeared in support of the East Austin Committee:

MR. ERNESTO FRAGA, Chairman of the East Austin Committee for Justice, indicated that the Committee had been set up by three meetings with not less than 50 people participating. He stated that since January over 20 complaints on brutality had been filed. In conclusion, he stated that the attitudes of the police were being encouraged by the public's not responding.

MS. SONJA DIAZ DeLEONE, East Austin Committee for Justice, distributed copies of her suggestions in reference to Mayor Butler's report several weeks ago to the Committee in regard to the Civil Service Commission's hearing complaints on brutality. She indicated that her proposal was similar to the Mayor's. In conclusion, she read her recommendations noting the following point as being additional:

Alternatively, should a citizen desire that the Civil Service Commission conduct an investigation of alleged violations of applicable rules and regulations, a request shall be made directly to the Commission. The Commission shall take appropriate action including a hearing with testimony under oath, cross-examination and presentation of rebuttal evidence.

MR. JUAN HIPOLITO, JR., member of the East Austin Committee for Justice, stated that they were not about to "throw in the towel" until they were convinced there would be no more beatings, no more killings, and no more brutality. He distributed copies of a letter which he had written on March 20, 1974, to City Manager Dan Davidson. In the letter he reviewed an incident which had occurred on March 5, 1974, at which time he had been in attendance at a monthly meeting of the Civil Service Commission. He related an incident after the meeting involving alleged slurred remarks by Commissioner Taylor Glass. He felt that the Commission needed quality and variety. He reviewed the Mayor's proposal of police misconduct. He felt that the Council had the responsibility to conduct fair and adequate investigations of all incidents of police brutality or where a policeman had continued to use poor judgement. He reviewed remarks that Mr. Davidson had made publicly in which he stated that he was obligated to get competent, dependable, community-oriented individuals on the Commission. Mr. Hipolito felt that Commissioner Glass was not community-oriented.

He further reviewed Mayor Butler's press release on April 3, 1974. He stated that it was not their intention to attack the entire police department but to go to the head of the problem. He reviewed a letter written by Dr. Joseph P. Witherspoon, Professor of Law and an attorney, dated April 11, 1968, in which Dr. Witherspoon stated that at the request of Mr. Roy Valasquez he had undertaken to advise a large representative group of Mexican-American citizens in dealing with alleged police brutality. Dr. Witherspoon reviewed a shooting incident on March 23, 1968, which he felt was unlawful. Dr. Witherspoon listed suggested procedures to be instituted by the Council in connection with this. He felt that when a police department was following a policy of apprehension of alleged offenders of the law that violated both state and federal law, the City should consider that there was no official business that would have greater priority than the elimination of that policy and the correction of the situation by the kinds of steps previously referred to.

Mr. Hipolito submitted a copy of a letter from Mr. Ruben P. Armendariz, representing the Hispanic-American Institute, a church-related agency, dated April 2, 1974, to Council urging them to give a fair and impartial hearing to the East Austin Committee. He then submitted a petition with 26 signatures reading as follows:

"We, the undersigned citizens of Austin, do hereby petition the City Council to accept the proposals brought forward to you by the East Austin Committee for Justice. We propose that Police Chief Bob Miles be removed from his present position and be replaced by someone more sensitive and responsive to our community.

We further propose that we be given the option to petition directly to the Civil Service Commission for investigation of cases concerning acts of police abuse and misconduct."

He noted that in 1971 Council had been presented a petition with 2000 signatures, and among the requests was one asking for removal of Chief Miles. In conclusion, he noted that this was a very complex issue and hoped that Council would arrive at a just and permanent position.

MR. HENRY NOBLES, representing East Austin Committee, appeared in reference to Commissioner Glass's alleged comments. Mr. Nobles did not feel that Austin needed his type of Civil Service Commissioner. He added that the City Manager had the power to appoint and that Commissioner Glass needed to be dismissed. The City Attorney, Mr. Don Butler, took this opportunity to note that the Manager did not have any power to dismiss anyone from the Commission and that Commissioners were appointed for a specific term of office. In response to Mr. Nobles' question in regard to the dismissal of Commissioner Glass, Mr. Davidson stated that until he had the opportunity to visit with Mr. Glass and others, he could not make any commitment and that it was not fair to make these remarks as they were out of order.

MS. VELMA ROBERTS, representing East Austin Committee, wanted to note for the record what they had meant by "overpolicing." She stated that they were not talking about the amount but about the attitude of police. She made reference to Mayor Butler's press conference. She then relayed incidents of alleged police brutality; and felt that if Council condoned these actions, they were as guilty as if they had done this themselves.

Mr. Fraga appeared again to review the procedure for filing an alleged complaint. He pointed out the following requests the Committee was making:

1. Urged resignation of Chief Miles.
2. Felt that the position of Chief should be an elected office.
3. Felt that the proposal submitted by Chief Miles and the Human Relations Commission regarding tape recorders in squad cars was not workable.
4. Urged immediate dismissal of any and all policemen with record of misconduct, continued poor judgement, or mistreatment of any citizen.

5. Urged immediate investigation of any and all police incidents involving death of citizens. They felt that the investigation should be conducted by an investigative body with subpoena powers and with the power to discipline and dismiss where necessary.

He further reviewed the City Charter under Article 2, Section 5, in reference to Council's being an investigative body with the expressed power to inquire into official conduct of any department, agency, office, or employee of the City. In conclusion, he felt that the Council could have done something about this matter years ago.

At this point Mayor Butler wanted to make two points:

1. In reference to the afore-mentioned Section, he noted that by State Statute this was superseded by State law and the only body which had the right to dismiss a policeman or fireman was the Civil Service Commission and not Council. After discussion by Ms. Velma Roberts and Mayor Butler, it was noted that the Chief of Police was not governed by this body but by the City Manager.
2. In reference to the appearance of Mr. and Mrs. Fabian Villanueva and son before Council on February 14, 1974, Mayor Butler noted that it had been alleged that they were innocent, were abused, were stopped for no reason. He further noted that he had been told at this time that before a four-woman, two-man jury, the Villanuevas were found guilty and fined in municipal court.

MR. PAUL HERNANDEZ appeared and had assistance in displaying posters with pictures of alleged victims. He felt that they had been victimized by a system that did not care and people who were not aware.

MR. MALCOLM GREENSTEIN, one of the attorneys working with the Committee, indicated that he had read a statement by the City Attorney stating that because of the Civil Service law, the City had no power to set up a body to do investigation with subpoena powers because the State Statute pre-empted this. Mr. Greenstein added that the City Attorney did not mention the fact that a citizen did not have the right to go to the Commission and that the Commission had no power to fire a policeman when brought to the attention by a citizen, but had only the power to hear an appeal by a policeman who had been disciplined by the Chief of Police. He noted that the Council had appointed a body of Civil Service Commissioners who had since 1947 been purely white, purely middle class, and purely businessmen. At this point the City Attorney, Don Butler, stated that in order for the Commission to fire someone, there had to first be some action taken by the Chief of Police, but added that the Commission had the authority to make investigations to hear the evidence and that it made no difference who came before them. Mayor Butler further noted that if the Chief of Police took no action and felt there had been no violation and the complainant was still not satisfied, the Commission had agreed to hear the case and let the complainant initiate action.

MS. LYDIA ESPINOSA felt that the head of a department was responsible for his department. Thus, she felt that Chief Miles was responsible for the alleged police misconduct.

The following appeared in support of Chief Miles and the Police Department:

MR. HECTOR ORTIZ, resident in East Austin, introduced himself by indicating that he was not represented by anyone nor did he represent anyone. He felt that the attack on Chief Miles was unwarranted in that he was very understanding. He discussed one of the shooting incidents by stating that he was sorry, but he felt the incident was warranted. In conclusion, he announced that Chief Bob Miles had a lot of friends in East Austin.

MR. WILLIAM G. WOLFE, Clinical Psychologist and Professor for 25 years, appeared as former member of the Grand Jury on two occasions and foreman of that Jury on one of those two occasions. He announced that he was speaking in behalf of the Grand Jury Association, an organization with 750 former members. Mr. Wolfe stated that he had the opportunity to relate very closely with Chief Miles and his staff and had been most impressed with the conduct of these men. He believed that the citizens of Austin were fortunate to have a police department as strong as they had. In conclusion, he noted that since there was a great deal of emotion present in the Chamber, everyone should remain calm and look at both sides of the issue.

MR. ERNEST SCHMIDT, Grand Jury Association, indicated that everyone had had the opportunity in the past few weeks to read and hear one side of the story; but he noted that there were two sides to every story. Having served on the Grand Jury, he stated that he had the opportunity to be present to hear over 300 cases involving crimes and had had the opportunity to hear 30 or 40 officers of the Austin Police Department. In his opinion all of them had done a commendable job. He felt that all were in agreement that unprovoked brutality should not exist either from a police officer or from a suspect and also that the officer should be allowed to use whatever means were available to him to apprehend that suspect when he tried to resist arrest and/or when he tried to evade the officer. He cited two incidents in the last ten years where a police officer had been killed in the line of duty. He further added that in an average year approximately 10% of the officers had been assaulted in the performance of their duties in some manner by the suspect. He felt that the officer should be allowed to take whatever means available to protect himself. In conclusion, he requested that the public not prejudge and give the Police Department and Chief Miles an opportunity to resolve whatever problems they might have.

MR. HUB BECHTOL, Grand Jury Association, felt he had developed an insight into law enforcement, having served on three Grand Juries and having been foreman of two Juries. He stated that he had yet to talk to anyone who had served on the Jury who would say that Austin did not have one of the finest police departments in the country. He added that Chief Miles was not insensitive. He noted that for 20 years the Travis County Grand Jury had been integrated fully, and he did not see any need for a civilian review board. He mentioned that the Grand Jury was an investigative body available to anyone. In conclusion, he reiterated that he had not had a Jury member tell him that he did not believe in the Police Department and Chief Miles.

MR. ROGERS WILSON, Chairman of the Austin Citizens League, an organization consisting of approximately 250 men and women, felt that every member in the organization stood for the improvement of the City. He added that they were fortunate to have a Chief of Police such as Chief Miles. He noted that he had lived almost 38 years in Austin and had seen changes and progress in the Department into one of the most outstanding in the nation. He announced that they did not believe in police brutality by any means. He read a resolution from the League prepared by the Executive Committee of the League:

"...NOW THEREFORE BE IT RESOLVED that we go on record as favoring the continuance of Bob Miles in his present position as Chief of Police for the City of Austin, and to this end we recommend to the City Manager:

1. That no further consideration be given to moving the Chief of Police from his present position.
2. That an expression of faith and confidence be extended to Chief Miles for his faithful dedication to duty from the people of Austin.
3. That Chief Miles be encouraged to use the experience and knowledge he has gained through many years of outstanding service in the continued leadership of the Austin Police Department.

FURTHER BE IT RESOLVED that we go on record as opposing any attempt by City Council Members to usurp those responsibilities designated to the Office of the City Manager."

MR. DON CAVNESS, resident in Austin for 34 years and in partnership in real estate and insurance business, noted that he had served in public office in Travis County for about 11-1/2 years. In that capacity, he mentioned it was his responsibility and privilege to try to help people in this community. He further noted that he was appearing because he felt that the overwhelming majority in Austin thought that they had a good and sincere and honest police department headed by a Chief and Assistant Chief who were doing a good job. He felt that he had never failed to receive courteous response and honest reactions to situations. As a private citizen, he felt very lucky and fortunate to have a clean and honest police department and urged the Council to continue to support Chief Miles and the Police Department.

MR. J. T. PATTERSON, past foreman and member of two Grand Juries, referred to the 1968 shooting incident, at which time he was foreman of the Jury. He noted that they had heard both sides of the matter and had come to the decision that the policeman had acted in the line of duty. He added that it was a fair and impartial hearing and hoped that the matter could be closed for the family's benefit.

MR. FOE LAWRENCE, former owner of a wholesale lumber yard in East Austin for 20 years, felt that lowering the size and standards of the policemen was responsible for 20% or more of the smaller policemen being attacked. He relayed an incident of a friend of his witnessing a Latin American policeman's use of excessive force. Having lived in Austin for four years, Mr. Lawrence had seen transitions; and in his opinion Chief Miles had been a good transition chief. In conclusion, he felt that Austin had a good police force and good Chief of Police and hoped that Council would take this into consideration.

A gentleman appeared requesting to stand up for the police. He felt that the vast majority of Austin would do the same. He expressed the desire that he would like to speak to Council at a later date in regard to getting the police a substantial raise of 50% or more.

MR. J. G. UMSTATTD, resident of Austin for 38 years, was greatly impressed with the sincerity of the talks given by everyone and was in agreement that mistakes had been made in the administration of justice because of man's imperfection. He felt that these mistakes should be corrected and the persons who had committed them should be punished, and he felt that the best way of correcting them was through guidance rather than actual punishment. He mentioned that he had had the privilege to serve as foreman of the Grand Jury's July session last summer; and that during that 3-month stretch, it was his privilege to see and hear many police officers. As they proceeded during the summer, he noted that he had become more and more impressed with the type of young men on the police force. He further added that he felt Austin had one of the finest police forces in America and was proud to live in a community that had such a police force. In conclusion, he requested that the Department be given thanks and commendation.

Council Discussion

Mayor Pro Tem Love thought that the Council should respond to what appeared to be a jury trial for an individual and stated that this Council legally could not sit as a jury as had been clearly stated by the City Attorney and by the Charter, regarding any employee within the City network with the exception of the City Manager, City Clerk and the Municipal Judges; and as a result although there had been accusations directed toward one of the department heads and defenses made by others, they were not a jury to make that determination. He noted that the determination could be made only by the City Manager, and the Council could not act on the Manager's appointments or dismissals. He said that he was very disturbed personally toward the "head-hunting" attitude which had been directed toward the department head in given sectors of the community, and the issue needed to be laid to rest immediately in the best interest of the community.

Motion

Mayor Pro Tem Love stated that there was no need for a position of Public Safety Director, and he moved that the Council so indicate that the position should not be funded; and he noted that it might come up as a budget item in the next fiscal year. The motion was seconded by Councilman Dryden.

Substitute Motion

Councilman Binder made a substitute motion that this Council go on record as supporting the City Manager concept of government. He stated that they had not been discussing the position of Public Safety Director, and he understood that it had been withdrawn. Mayor Pro Tem Love stated that it was on the Agenda and had been widely used in the press. Councilman Friedman seconded the substitute motion.

Discussion was held on deciding a budgetary item before the budget was presented by the City Manager. The City Attorney, Don Butler, stated that the Council could vote on whether they were going to fund a position any-time; but he thought that the appropriate time to discuss this would be when the budget was presented, but he said that it would not be illegal to discuss the question or to vote on whether or not they were going to fund the position. Councilman Friedman stated that he wanted to clarify for the record that when he asked that the item be placed on the Agenda, it was not illegal. Mayor Butler clarified his press statement that he felt it was illegal and violated the Charter because Councilman Friedman had said, "This proposal is aimed as much at removing Miles from his present job as promoting him"; and the Mayor quoted Section 6 of the Charter which reads, "Neither the Council nor any of its members shall instruct or request the City Manager to appoint or remove from office or employment any person."

Councilman Friedman withdrew his second to the substitute motion.

Second Substitute Motion

After further discussion, Councilman Handcox moved that since the Council did not have sufficient knowledge to know what the budget was (whether the position of Public Safety Director could be funded or whether it could not), that the item be delayed until the Council had a recommendation from the City Manager. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Mayor Pro Tem Love,
Councilmen Binder, Dryden, Friedman
Noes: None
Absent: Councilman Lebermann

Councilman Dryden commented that a lot of excellent statements had been made by both sides, and he hoped that the Councilmen could profit from what had been said. He felt that no City Councilman was absolutely perfect nor anyone in the audience and asked all to remember: "Who has not sinned, let him cast the first stone."

ZONINGS SET FOR PUBLIC HEARING, MAY 2, 1974

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on May 2, 1974:

EARL O. FORESTER, ET UX C14-74-030	7314 Bennett Avenue 919-923 Blackson Avenue	From "A" Residence To "BB" Residence
MESA STECK PROPERTIES, INC. By C. B. Carpenter C14-74-031	8131 Mesa Drive	From "LR" Local Retail To "GR" General Retail

AUSTIN SAVINGS & LOAN ASSOCIATION By Charles B. Kreutz C14-74-032	5309-5315 Jeff Davis Avenue	From "A" Residence To "C" Commercial
STARK ROOFING COMPANY, INC. By Leroy Lange C14-74-033	Rear of 8231-8305 North Lamar Boulevard	From "A" Residence To "C" Commercial
STEPHEN PATRICK ANDERSON C14-74-034	3909 Avenue C	From "A" Residence 1st Height and Area To "B" Residence 2nd Height and Area
VICTOR MICHALENKO By Dr. Robert Mohle C14-74-035	1916 Justin Lane 6901-6905 Hardin Drive	From "A" Residence To "O" Office
MRS. NOVA E. KELLAM By Robert Girling C14-74-036	1404 North Loop Boulevard	From "A" Residence To "O" Office
JUNE E. RICHARDSON, M. D. C14-74-037	8302 Bowling Green Drive	From "A" Residence To "B" Residence
ROBERT L. OGDEN C14-74-038	1600-1602 West 5th Street 500-502 West Lynn Street	From "C" Commercial To "C-2" Commercial
SAM ROBINSON By E. H. Smartt C14-74-039	8526-8542 Burnet Road	From Interim "A" Residence 1st Height and Area and "C" Commercial 1st Height and Area To "C" Commercial 1st Height and Area
REPUBLIC NATIONAL LIFE INSURANCE COMPANY By John T. Jones, Jr. C14-74-040	830-854 East Anderson Lane	From "O" Office 2nd Height and Area To "C" Commercial 3rd Height and Area
BOB HOWERTON C14-74-041	4605-4615 South Congress Avenue 100-146 Sheraton Avenue 4600-4604 Suburban Avenue	From Interim "A" Residence 1st Height and Area and "C" Commercial 6th Height and Area To "C" Commercial 6th Height and Area

DON BECKER By Teddy Henderson C14-74-042	5606 Jim Hogg Avenue	From "BB" Residence 1st Height and Area To "BB" Residence 2nd Height and Area
CLARENCE McCULLOUGH C14-74-043	6008-6026 Manor Road 2819-2829 Wheless Lane	From "A" Residence To "GR" General Retail
G.R. MITCHELL HEIRS By Joe D. Milner, Jr. C14-74-044	4401-4403 Avenue D 104-106 West 44th Street	From "A" Residence To "B" Residence
MRS. JAMES L. RICE and EMELIA W. VICKLAND By Tom Curtis C14-74-045	4205-4209 Marathon Boulevard	From "A" Residence To "O" Office
BILLIE L. PASSMORE By James B. Polkinghorn C14-74-046	1114 Robert E. Lee Road	From "A" Residence To "BB" Residence
JACKSON T. & MARY E. BAYLESS By Floyd R. Hill C14-74-047	901 Taulbee Lane	From "B" Residence To "C" Commercial
HARLEY R. CLARK, JR. By Tom Curtis C14-74-048	1100-1110 Baylor Street 1101-1103 West 12th Street 1100-1109 West 11th Street	From "B" Residence To "C" Commercial
WM. A. McANGUS, Independent Executor of the ESTATE OF DAVE McANGUS By Buford Stewart C14-74-049	3701-3719 South 2nd Street 701-717 South Center Street	From "A" Residence 1st Height and Area To "LR" Local Retail 3rd Height and Area
ERNEST W. COURTNEY ET AL By Robert L. Davis C14-74-050	936-942 East 51st Street	From "A" Residence To "B" Residence
GOV. ALLAN SHIVERS, JOHN SHIVERS and C. McADEN By Dan Felts C14-73-246	5300-5306 Joe Sayers Avenue 1500-1504 North Loop Boulevard	From "B" Residence 1st Height and Area To "B" Residence 2nd Height and Area (as amended)

JOHN BODE, TRUSTEE
By Tom W. Bradfield
C14-74-024

5720 Balcones Drive

From "A" Residence
To "LR" Local Retail

TOM W. BRADFELD
C14-74-025

5752 Balcones Drive

From "A" Residence
To "LR" Local Retail

PLANNED UNIT DEVELOPMENTS

AUSTIN GROUP
LIMITED
C814-74-006

1708 Rockmoor Avenue
3704-3720 Bridle Path
3703-3715 Cherry Lane
1701-1713 Scenic Drive

From "A" Residence
1st Height and Area
24 attached single-family
dwelling units with common
open space, called "Walsh
Hollow", a proposed planned
unit development.

FRED EBY, JR.
By Robert H. Judd
C814-74-002

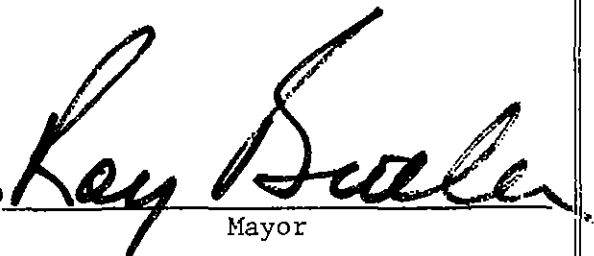
4000 Mt. Bonnell
Drive

From "A" Residence
1st Height and Area
199 attached single-family
dwelling units with marina,
tennis courts and boat dock
facilities, called "Williams-
port", a proposed planned
unit development.

ADJOURNMENT

The Council adjourned at 5:45 p.m.

APPROVED


Mayor

ATTEST:


Acting City Clerk